

REMARKS

Claims 1-24 are currently pending in the subject application and are presently under consideration. Applicants' representative notes with appreciation the indication that claims 1-8 have been allowed. Claims 9-11, 13, 15, and 17-18 have been amended herein to incorporate allowed subject matter, and claim 23 has been cancelled without prejudice or disclaimer. A version of all pending claims can be located at pages 2-6 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claim 23 Under 35 U.S.C. §101

Claim 23 stands rejected under 35 U.S.C. §101 as it is alleged that the claimed invention is directed to non-statutory subject matter. Withdrawal of this rejection is requested for at least the following reason. Claim 23 has been cancelled herein without prejudice or disclaimer. Accordingly, this rejection is now moot and should be withdrawn.

II. Rejection of Claims 9-24 Under 35 U.S.C. §102(b)

Claims 9-24 stand rejected under 35 U.S.C. §102(b) based upon a public use or sale of the invention, Microsoft (Assignee) Visual Source Safe (VSS) published 1997.. This rejection should be withdrawn for at least the following reasons. Claims 9, 13 and 17 have been amended herein to incorporate subject matter deemed allowable by the Examiner. More particularly, the subject independent claims have been amended to include aspects pertaining to binary files which, as the Examiner concedes, the cited document does not fairly disclose or suggest. (See Final Office Action dated November 9, 2006, page 13, item 5). Accordingly, withdrawal of this rejection with respect to independent claims 9, 13, and 17 (and claims depending there from) is requested.

With regard to independent claims 22 and 24, applicants' representative believes these claims have been rejected in error as both claims recite features similar to those deemed allowable by the Examiner with respect to independent claim 1. As the Examiner acknowledges: "[t]he commercial tool Microsoft Visual Source Safe performs the functions on source code not binary files. Claim 1 clearly and concisely claims the

format of the files as binary.” *Id.* Accordingly, since independent claims 22 and 24 recite similar features to those recited in allowed independent claim 1, withdrawal of this rejection with respect to these claims is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP139USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants’ undersigned representative at the telephone number below.

Respectfully submitted,

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